

House File 2375 - Introduced

HOUSE FILE 2375
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 2116)

A BILL FOR

- 1 An Act relating to access to and security of employee personnel
- 2 files.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8A.456, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. An employee or former employee, as defined in section
4 91B.0A, subject to the provisions of this subchapter shall
5 have access to the employee's personal or former employee's
6 personnel file. A former employee shall be allowed access
7 to the personnel file for two years after the termination of
8 employment with the employer.

9 Sec. 2. NEW SECTION. 91B.0A Definitions.

10 As used in this chapter:

11 1. "*Employee*" means as defined in section 91A.2.

12 2. "*Employer*" means as defined in section 91A.2.

13 3. "*Former employee*" means an individual who was employed by
14 the employer, receiving wages, salary, or other compensation
15 from the employer.

16 Sec. 3. Section 91B.1, Code 2009, is amended to read as
17 follows:

18 **91B.1 Files — access by employees.**

19 1. An employee, ~~as defined in section 91A.2, or a former~~
20 employee shall have access to and shall be permitted to obtain
21 a copy of the employee's or former employee's personnel file
22 maintained by the ~~employee's employer, as defined in section~~
23 ~~91A.2,~~ including but not limited to performance evaluations,
24 disciplinary records, and other information concerning
25 employer-employee relations.

26 2. However, an employee's access to a personnel file is
27 subject to all of the following:

28 a. The employer and employee or former employee shall
29 agree on the time ~~the employee may have for~~ for access to the
30 ~~employee's~~ personnel file, and a representative of the employer
31 may be present.

32 b. An employee or former employee shall not have access to
33 employment references written for the employee.

34 c. An employer may charge a reasonable fee for each page
35 of a copy made by the employer for an employee or former

1 employee of an item in the ~~employee's~~ personnel file. For
2 purposes of this paragraph, "*reasonable fee*" means an amount
3 equivalent to an amount charged per page for copies made by a
4 commercial copying business.

5 d. A former employee shall be allowed access to the
6 personnel file for two years after the termination of
7 employment with the employer.

8 Sec. 4. Section 91B.2, Code 2009, is amended to read as
9 follows:

10 **91B.2 Information provided by employers about current or**
11 **former employees — immunity.**

12 1. An employer or an employer's representative who, upon
13 request by or authorization of ~~a current~~ an employee or former
14 employee or upon request made by a person who in good faith is
15 believed to be a representative of a prospective employer of a
16 ~~current~~ an employee or former employee, provides work-related
17 information about ~~a current~~ an employee or former employee,
18 is immune from civil liability unless the employer or the
19 employer's representative acted unreasonably in providing the
20 work-related information.

21 2. For purposes of this section, an employer acts
22 unreasonably if any of the following are present:

23 a. The work-related information violates a civil right of
24 the ~~current~~ employee or former employee.

25 b. The work-related information knowingly is provided to a
26 person who has no legitimate and common interest in receiving
27 the work-related information.

28 c. The work-related information is not relevant to the
29 inquiry being made, is provided with malice, or is provided
30 with no good faith belief that it is true.

31 ~~3. For purposes of this section, "employer" and~~
32 ~~"employee" are defined as provided in section 91A.2.~~

33 EXPLANATION

34 This bill relates to access to and security of employee
35 personnel files.

1 The bill defines "former employee" and provides employees
2 and former employees with equal access to a personnel file with
3 an employer in Code section 91B.1.

4 The bill modifies the language in Code sections 8A.456 and
5 91B.2 so that the defined terms of "employee" and "former
6 employee" are used equally in reference to the security
7 of personnel information. A former employer is limited to
8 requesting access to the employee's personnel file during the
9 two-year period after termination of employment.